

Message Text

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ORIGIN EB-07

INFO OCT-01 ARA-06 ISO-00 CIAE-00 COME-00 DODE-00 DOTE-00

FMC-01 INR-07 NSAE-00 CG-00 OFA-01 DLOS-04 L-03

TRSE-00 FRB-03 OMB-01 TAR-01 SP-02 AGR-05 AID-05

IO-10 LAB-04 OIC-02 SIL-01 STR-04 CIEP-01 CEA-01

PA-01 USIA-06 PRS-01 /078 R

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ARA/CEN:DCLARE

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FM SECSTATE WASHDC

TO AMEMBASSY GUATEMALA

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E.O. 11652: N/A

TAGS: EWWT, GT, US

SUBJECT: DELTA/FLOMERCA PROBLEM - CONGRESSIONAL
RATIFICATION OF UN CODE OF CONDUCT FOR LINER CONFERENCES

REF: GUATEMALA 4676

1. FIVE COPIES OF CODE TEXT POUCHED AUGUST 29.
2. THIRTY COUNTRIES SIGNED CODE ON OR BEFORE THE JUNE 30, 1975 DEADLINE. OF THE THIRTY, ONLY SEVEN WERE DEFINITIVE SIGNATURES (ETHIOPIA, TOGO, CHILE, PAKISTAN, SRI LANKA, VENEZUELA AND GAMBIA), I.E. NOT SUBJECT TO RATIFICATION; GHANA SIGNED AND SUBSEQUENTLY RATIFIED JUNE 24 AND BANGLADESH ACCEDED JULY 24, BRINGING THE TOTAL NUMBER OF LIMITED OFFICIAL USE

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CONTRACTING PARTIES TO NINE AS OF SEPTEMBER 2. TOTAL

GROSS TONNAGE OF THE SEVEN IS 993,397 TONS EQUAL TO 1.37 PERCENT OF TOTAL WORLD LINER TONNAGE. FOR THE CODE TO BE IMPLEMENTED AT LEAST 24 COUNTRIES WITH AT LEAST 25 PERCENT (18,173,547 GROSS TONS) OF TOTAL (72,694,191 GROSS TONS) MUST BECOME CONTRACTING PARTIES.

3. THERE IS GOOD REASON TO BELIEVE THE CODE IN ITS PRESENT FORM WILL NOT ENTER INTO FORCE. NOT COUNTING OTHER COUNTRIES WHICH MAY ACCEDE AT A FUTURE DATE, THE THIRTY SIGNATORIES PLUS BANGLADESH REPRESENT 25.85 PERCENT OF WORLD LINER TONNAGE. THIS IS JUST ENOUGH TONNAGE TO BRING IT INTO EFFECT ASSUMING THE REMAINING TWENTY-TWO SIGNATORIES RATIFY IT. OF THE REMAINING SIGNATORIES, HOWEVER, THERE ARE THREE KEY TONNAGE COUNTRIES (FRANCE, THE FRG, USSR) WHOSE RATIFICATION ARE NECESSARY TO EFFECT THE CODE SINCE THE LDCE AMONG THEMSELVES LACK SUFFICIENT TONNAGE. FRANCE AND THE FRG ARE PRESENTLY FACED WITH THE POSSIBILITY OF BEING TAKEN TO COURT BY THE EC COMMISSION FOR SIGNING THE CODE ON THE GROUNDS THAT BY HAVING DONE SO THEY HAVE VIOLATED CERTAIN PROVISIONS OF THE TREATY OF ROME. THIS IMBROGLIO IS EXPECTED TO DELAY RATIFICATION PLANS OF BOTH GOVERNMENTS. THE USSR SIGNED THE CODE FOR POLITICAL REASONS. ITS RATIFICATION IN THE IMMEDIATE FUTURE IS QUESTIONABLE GIVEN THE GROWING USSR ACTIVITY AS A CROSSTRADER AND WOULD APPEAR UNLIKELY IN THE ABSENCE OF OTHER MAJOR MARITIME COUNTRIES BECOMING PARTIES TO THE CODE. JAPAN, THE OTHER KEY COUNTRY, VOTED FOR ADOPTION OF THE CODE, BUT DID NOT SIGN BEFORE DEADLINE, PARTLY BECAUSE OF LENGTHY PROCEDURAL PROCESS REQUIRED UNDER JAPANESE LAW. THIS REQUIREMENT APPLIES EQUALLY RE RATIFICATION. JAPAN IS ALSO COGNIZANT OF DIFFERENCES ON CODE AMONG ITS MAJOR TRADING PARTNERS AND IS NOT EXPECTED TO TAKE HASTY ACTION RE RATIFICATION. IF CODE DOES NOT ENTER INTO FORCE FIVE YEARS FROM DATE OF ADOPTION (APRIL 6, 1974), ARTICLE 52(4) THEREOF PROVIDES FOR PROCEDURE TO CONVENE A REVIEW CONFERENCE TO CONSIDER REVISIONS. SOME EUROPEAN COUNTRIES HAVE SPECULATED ON THE POSSIBILITY OF HOLDING SUCH A CONFERENCE AT AN EARLIER DATE IN THE HOPES PRESENT DIFFERENCES ON THE DOCUMENT MIGHT LIMITED OFFICIAL USE

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BE RESOLVED. AT THIS STAGE, HOWEVER, THE CONVOKING OF AN EARLIER SESSION IS PURELY CONJECTURAL.

4. SEE STATE A-9005 (19 JUNE 74) AND ESPECIALLY STATE 185496 (23 AUG 74) AND STATE 84081 (3 MAY 73) FOR ADDITIONAL BACKGROUND. ROBINSON

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